

Clarke County

PLANNING COMMISSION REGULAR MEETING MINUTES JUNE 1, 2012



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, June 1, 2012.

ATTENDANCE

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Robina Bouffault, Tom McFillen, Cliff Nelson, Chip Steinmetz, Richard Thuss and Jon Turkel.

ABSENT

Clay Brumback, Scott Kreider and John Staelin

STAFF

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner and Debbie Bean, Recording Secretary.

Called to Order

Chair Ohrstrom called the meeting to order at 9:02 a.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the revised agenda.

Yes: Bouffault (moved), Caldwell, Nelson (seconded), Ohrstrom, Steinmetz, Thuss and Turkel

No: No one

Absent: Brumback, Kreider and Staelin,

Abstained: McFillen

APPROVAL OF MINUTES

The Commission voted unanimously to approve the revised briefing meeting minutes of May 1, 2012.

Yes: Bouffault (moved), Caldwell, McFillen, Nelson, Ohrstrom, Staelin, Thuss (seconded) and Turkel

No: No one

Absent: Brumback, Kreider and Staelin

The Commission voted unanimously to approve the regular meeting minutes of May 4, 2012.

Yes: Bouffault, Caldwell (moved), McFillen (seconded), Nelson, Ohrstrom, Steinmetz, Thuss and Turkel

No: No one

Absent: Brumback, Kreider and Staelin

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance Section 6-B-Site Development Plans, When required so as to add Small Wind Turbines to the items not requiring a site plan. TA-12-01

Ms. Teetor explained this request. She stated that recently a citizen contacted staff to discuss the

regulations pertaining to residential wind turbines. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments, Chair Ohrstrom called for a motion.

The Commission voted to recommend approval of the above text amendment to the Board of Supervisors.

Yes: Bouffault (seconded), Caldwell, McFillen, Nelson, Ohrstrom, Steinmetz (moved), Thuss and Turkel

No: No one

Absent: Brumback, Kreider and Staelin

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance Section 9-B-31 definition for Camping Unit so as to provide and regulate camping on parcels of land 3 acres or less in area. The County Zoning Ordinance currently regulates the length of stay for “Campgrounds” for not more than 15 days in any 30-day period. “Campgrounds” are generally defined as three or more campsites. The proposed ordinance would regulate the length of camping stay on lots 3 acres or less in size where there are less than 3 campsites to 15 days in any 30 day period.

TA-12-03

Mr. Russell explained this request. He said that there have been several complaints made regarding extensive camping stays where there have been less than 3 camp sites on residentially sized lots. He said that the County does not regulate the length of stay or private camping on residential lots. He stated that the policy committee discussed regulating the length of camping stay on a private parcel of land where a special use is not required. He said that the committee thought that although a private land owner should be allowed to camp on their own land and to also allow friends to camp on their land a reasonable length of time in which to camp on residential lots should be considered and regulated to a length of stay that reflects “Campground” limits. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

Terry Carroll a former Clarke County resident, was present and stated that he is a retired Navy veteran. He said that he bought a 40-foot long motor coach he wanted to use for camping in the County. He said that the motor coach has the capability of staying in one place for 45 days. He stated that the motor coach is not an eye sore as he paid \$70,000.00 dollars for it. He said that he has earned the right to be on the river for more than 15 days. He stated that he currently lives in Florida but has plans to move back to Clarke County. He said he is very concerned by the proposed regulations. He asked why this amendment was being proposed. He asked the Commission to please take a look at this proposal before approving it.

Cheryl Grover was present and said she currently has a camper along the river. She said that before she put her camper there she came to the County and had it approved. She said to move her camper every 15 days will be a real problem. She said that a next door neighbor called the police on her because she turned on her generator one time to get some heat. She was told that she was disturbing the peace. She handed the Chair a petition signed by local residents of the area that are against the proposed amendment.

James Harper, property owner at 2383 Lockes Mill Road was present and spoke to the Commission. He stated that his lot adjoins the lot where Cheryl Grover has her camper. He said that the generator she mentioned came on four times and it is very loud. He said that something needs to be done about the sewage on the camping site. He distributed a Notice of Violation letter from the Health Department dated

April 12, 2010 to the Commissioners. He said the violation was regarding a complaint concerning campers defecating on or around the property at 2383 Lockes Mill Road.

Barbara Orndoff, property owner of the lot where Cheryl Grover keeps her camper said that there is a controversy between her and Mr. Harper and that he has his own personal vendetta against her.

Mr. Russell stated that the proposed amendment was intended to prohibit people from camping on lots of three acres or less for more than 15 days in any 30-day period.

There being no further public comments, Chair Ohrstrom asked the Commissioners for their comments.

Commissioner Thuss stated that he understood that Supervisor David Weiss had suggested the amendment based on a complaint from a constituent. He said if there are concerns about health issues, he did not understand why the ordinance amendment only mentioned a time limit for camping.

Commissioner Bouffault said it seems to her that there are two issues here. She said that one is sanitation, handled by the Health Department. She stated the other issue is with noise, which would fall under the County noise ordinance. She said that this amendment does not address either one.

Commissioner McFillen said he does not see this amendment as enforceable.

Commissioner Steinmetz stated that the lots by the river are very small and not buildable lots. He said people cannot build by the river so in lieu of they park their recreational vehicles there and if the flood waters come they can move them out. He stated these would not be buildable lots in the best of circumstances. He said he is not for removing any ones right.

Mr. Stidham said if the Planning Commission had been directed by the Board of Supervisors to consider the amendment to the ordinance and the Planning Commission voted to deny it, the amendment would go to the Board of Supervisors as being the body that originally directed it to be created. He said that since this arose from the policy committee and came up through the Planning Commission and the Planning Commission moves to deny the amendment, it will end here.

The Commission voted to deny recommendation to the Board of Supervisors for approval of this amendment.

Yes: Bouffault, Caldwell, McFillen (moved), Ohrstrom, Steinmetz, Thuss (seconded) and Turkel

No: Nelson

Absent: Brumback, Kreider and Staelin

Double Tollgate Committee Report

Vice Chair Caldwell stated that the Double Tollgate Committee is still working on the report.

Board/Committee Reports

Board of Supervisors

– John Staelin

No report.

Sanitary Authority

No report.

Board of Septic & Well Appeals – John Staelin
No report.

Board of Zoning Appeals – Anne Caldwell

Vice Chair Caldwell said that she did not attend the meeting and that Mr. Russell could tell the Commission about the meeting. Mr. Russell stated that there was a public hearing held on May 24, 2012 for Peter and Melissa Dunning in regard to an appeal they filed with the Board of Zoning Appeals. He said that the Board voted to reverse the Zoning Administrator's determination that the berm constructed on the Stuart M. Perry, Inc. property near their property complies with the special use permit and site plan on the Stuart M. Perry, Inc. property approved in 1995.

Historic Preservation Commission – Cliff Nelson

Commissioner Nelson stated that the Commission met on May 24, 2012 at the Battletown Inn for its regular meeting, which was followed by the annual awards luncheon. Ms. Teetor said the 2012 Preservation Awards were presented to:

- Holy Cross Abbey for Stewardship of Cool Spring;
- Diana Kincannon for Leadership in preserving the Barns of Rose Hill;
- Daniel Shores of Sono Luminus for the rehabilitation of Old Emmanuel Episcopal Chapel and Parish Hall; and
- Barns of Rose Hill, Inc. for the rehabilitation and preservation of the Barns of Rose Hill.

Ms. Teetor stated that Delegate Randy Minchew presented an award posthumously for David Boyce for his preservation work. His brother, Bill Boyce was present to receive the award.

Conservation Easement Authority – George Ohrstrom, II

Ms. Teetor stated that one of the items on the Board agenda was getting a letter of support for recommendation with the Virginia Outdoors Foundation to establish a special projects area to encompass the ground water recharge area of the County. She said that this area is identified by GIS as limestone ridge which is a high point in the area of about 22,000 acres which is in the middle west portion of the County which GIS identifies from the ground water study as being where recharge starts.

Staff Reports

Natural Resource Activities – Alison Teetor
No report.

Other

The Salvation Army requests for extension of time to record.

Mr. Russell explained the above item. He stated that the extension of time to record is clerical in nature only. He distributed Mr. Farrell's request for an extension to the Commission. Mr. Russell stated that based on the state code Section 15.2-2241, paragraph 8, it says "that unless a plat is filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body shall be recorded within six months of the approval date". He said that if time needs to be extended the applicant can request to do so prior until the end of the six month period. He stated that in this case we had received plats from PHR&A in the Winchester office. He said that we had worked off this plat through the entire process and this was the approved one. He stated that when he received the signed ones in the office they were from the Leesburg office and not the Winchester office. He said he realized these



were the incorrect plats immediately and he told Mr. Farrell. He said Mr. Farrell called PHR&A and they made the proper changes necessary. He stated that he did receive the corrected plat and he has taken the plat to the Health Department for them to sign.

John Farrell, McCandlish & Lillard, legal counsel representing the Salvation Army was present and stated that nothing has changed. He said that four notes were omitted that we had agreed to and they were not on the plats. He said that the plats have been revised with the four notes. He stated that by delivering the letter of credit to the County this extends the time of recording for one year which will be November 13, 2013.

Chair Ohrstrom stated that the Planning Commission does not have to do anything on this.

Chair Ohrstrom reminded the Planning Commission about the public hearing for the Special Use Permit/Site Plan for Verizon was continued until the July 6, 2012 Planning Commission meeting.

There being no further discussion, the meeting was adjourned at 10:04 a.m. until the next regular meeting of the Commission on July 6, 2012.


George L. Ohrstrom, II, Chair
Brandon Stidham, Planning Director

Minutes prepared by Debbie Bean, Recording Secretary